

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOHN DOE #1, a minor by his parent and natural guardian PARENT #1; JOHN DOE #2, a minor by his parent and natural guardian PARENT #2; JOHN DOE #3, a minor by his parent and natural guardian PARENT #3; JANE DOE #4, a minor by her parent and natural guardian PARENT #4; JANE DOE #5, a minor by her legal guardian GRANDPARENT #5; JANE DOE #6 a minor by her legal guardian GRANDPARENT #5; JOHN DOE #7, a minor by his parent and natural guardian PARENT #7; JANE DOE #8, a minor by her parent and natural guardian PARENT #8; JOHN DOE #9, a minor by his parents and natural guardians PARENT # 9A and PARENT #9B; JANE DOE #10, a minor by her parent and natural guardian PARENT #10; JANE DOE #11, a minor by her parent and natural guardian PARENT #11; JANE DOE #12, a minor by her parent and natural guardian PARENT #12; JOHN DOE #13, a minor by his parent and natural guardian PARENT #13; JANE DOE #14, a minor by her parent and natural guardian PARENT #14; JANE DOE #15, a minor by her parent and natural guardian PARENT #15; JOHN DOE #16, a minor by his parent and natural guardian PARENT #16; JOHN DOE #17, a minor by his parents and natural guardians PARENT #17A and PARENT #17B; JOHN DOE #18, a minor by his parents and natural guardians PARENT #18A and PARENT #18B; JOHN DOE #19, a minor by his parent and natural guardian PARENT #19; JANE DOE #20, a minor by her parent and natural guardian PARENT #20; JOHN DOE #21, a minor by his parent and natural guardian PARENT #21; JOHN DOE #22, a minor by his parent and natural guardian PARENT #22; and JOHN DOE #23, a minor by his parent and natural guardian PARENT #23, on behalf of all persons similarly situated,

Plaintiffs,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

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**ORDER GRANTING  
MOTION FOR  
PRELIMINARY APPROVAL  
OF SETTLEMENT, CLASS  
CERTIFICATION,  
CERTIFICATION OF CLASS  
REPRESENTATIVES,  
APPROVAL OF SELECTION  
OF COUNSEL, AND NOTICE  
TO CLASS MEMBERS**

16-CV-1684 (NGG)(RLM)

WHEREAS, the Court has considered the Amended Proposed Stipulation and Order of Settlement, dated May 7, 2018 (the “Proposed Settlement”) between the Plaintiffs and Defendant New York City Department of Education (“DOE”) (collectively, the “Parties”), which sets forth the terms and conditions for a proposed settlement of the class action; and

WHEREAS, the Court has considered the Parties’ joint motion for preliminary approval of the Proposed Settlement, certification of a settlement class, appointment of Walden Macht & Haran as counsel to the class, and approval of a proposed notice to class members, Plaintiffs’ Memorandum of Law, the Declaration of Jim Walden, dated April 9, 2018, and the Declaration of Marilyn Richter, dated April 9, 2018;

NOW, THEREFORE, IT IS HEREBY ORDERED AND DECREED as follows:

1. The Court has subject matter and personal jurisdiction over this matter.
2. The Court preliminary approves the Proposed Settlement as within the range of fair, reasonable, and adequate settlement within the meaning of applicable law.
3. Based on, and pursuant to, Federal Rules of Civil Procedure 23(a) and 23(b)(2), the Court provisionally certifies, for settlement purposes only, a Settlement Class consisting of all current and future K-12 students who attend, or will attend, a school operated and managed by DOE who have been, become, or who will claim to be, the victim of:
  - a. Conduct by a student that violates Chancellor’s Regulation A-832, which prohibits student-on-student discrimination, harassment, intimidation and bullying,
  - b. Conduct by DOE staff that violates Chancellor’s Regulation A-420, which prohibits the use of physical force by DOE staff on a student for purposes of punishing the student, and/or

c. Conduct by DOE staff that violates Chancellor's Regulation A-421, which prohibits verbal abuse of a student by DOE staff.

4. Based on, and pursuant to, Federal Rules of Civil Procedure 23(a) and 23(b)(2), the Court finds and concludes that Plaintiffs will fairly and adequately represent and protect the interests of the Settlement Class, and appoints them to serve as the representatives of the Settlement Class.

5. Based on, and pursuant to, Federal Rule of Civil Procedure 23(g), the Court appoints the law firm of Walden Macht & Haran LLP to serve as Class Counsel.

6. The Court approves the Proposed Notice of Proposed Settlement of Class Action, attached to this Order, and the proposed methods of distribution described in the Declaration of Jim Walden, dated April 9, 2018, and the Declaration of Marilyn Richter, dated April 9, 2018. The Court finds and concludes that such notice is: (a) appropriate under the circumstances and (b) meets the requirements of Federal Rule of Civil Procedure 23 and due process.

7. Consistent with the proposed method of distributing the Proposed Notice, within ten business days of the date of this Order: (a) DOE and Plaintiffs' counsel will post the Proposed Notice on their respective websites until the conclusion of the fairness hearing; (b) DOE will post the Proposed Notice in DOE Suspension Hearing Offices and Family Welcome Centers and shall maintain such postings until the conclusion of the fairness hearing; and (c) DOE shall cause the Proposed Notice to be published once in the *New York Daily News* and *El Diario*.

8. The Court shall hold a fairness hearing on June 26, 2018, at 2:00 P.M. At that hearing, the Court will conduct an inquiry into the fairness, reasonableness, and adequacy of the

Proposed Settlement, address any objections to it, and determine whether the Proposed Settlement should be finally approved.

IT IS SO ORDERED.

DATED: May 18, 2018

/s/ Nicholas G. Garaufis  
THE HONORABLE NICHOLAS G. GARAUFIS